THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 10686 of 2007

Date:13-09-2007

Between:

H. Siddanna Gouda and three others ...
Petitioners

AND

The Revenue Divisional Officer, Adoni and seven others
..
RESPONDENTS

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents 1 and 2 in granting pattas in favour of the respondents 3 to 8 in respect of the property bearing admeasuring 533.3 square yards in Survey No.230/1, situated in Gulyam village, Halaharvi mandal, Kurnool District belonging to the petitioners, as illegal and arbitrary.

It is the case of the petitioners that they are the owners and possessors of the property admeasuring 533.3 square yards in SurveyNo.230/1, situated in Gulyam village, Halaharvi mandal, Kurnool District and there is a old house which is a in a dilapidated condition and in all the revenue records the name of the father of the petitioners is recorded as owner of the said property and the petitioners and their father are in continuous possession and enjoyment of the same.

While so, the Mandal Revenue Officer, Halaharvi-2nd respondent granted patta in respect of the said property in favour of the respondents 3 to 7 in February, 2007 and immediately, the petitioners approached the second respondent and also the higher authorities about the illegal grant of patta in favour of the landless poor. But, no action has been taken.

It is stated that the said property belongs to the petitioners and the same was allotted in favour of the landless poor without assigning any reasons and without giving any notice.

I am of the opinion that before seeking a writ of mandamus, there shall be a request by the petitioners to the higher authorities to rectify the mistake or grant appropriate relief. But, without making any demand or representation by the petitioners to rectify the mistake

committed by the official respondents, no writ of mandamus can be issued. It is stated that the petitioners made representation before the higher authorities, but no such copy has been enclosed along with the writ petition so as to direct the concerned authorities to take appropriate action. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed giving liberty to the petitioners to make appropriate representation before the concerned authorities or to work out their remedies in accordance with law. No costs.

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V.ESWARAIAH, J.

Date:13.09.2007
ccm